

Appln No. 10/533,348
Amdt date November 27, 2009
Reply to Office action of August 27, 2009

REMARKS/ARGUMENTS

The above identified patent application has been amended and reconsideration and allowance are hereby requested.

Claims 1 and 3-9 are now in the application. Claim 2 was previously cancelled. Claim 1 has been amended.

The Examiner has rejected claims 1, 4 and 5 under 35 U.S.C. §103(a) as allegedly being obvious over Van der Wal (US 3,950,203) in view of Olesky (US 5,447,009) and Admitted Prior Art (APA). The Examiner has also rejected claim 3 under 35 U.S.C. §103(a) as allegedly being obvious over Van der Wal in view of Olesky, APA, and Odenthal (US 5,735,104) and claim 6 under 35 U.S.C. §103(a) as allegedly being obvious over Van der Wal in view of Olesky, APA, and Odenthal (US 5,551,212)

Claim 1 recites, in part (underlining added for emphasis): “a band of the strap type in a first supply reel of the supply reels; a band of the film type in a second supply reel of the supply reels; [and] band clamping and guiding means . . . further being arranged for applying simultaneously the band of the strap type and the band of the film type.”

As the Examiner notes, Van der Wal teaches that the device “may be employed not only for applying metal tapes but also for winding non-fusible tapes around objects or stacks of objects.” With reference to FIG. 1, Van der Wal teaches that “a tape is stretched between the two supply reels 6, said tape being formed by the tapes 9 emanating from the supply reels 6 and having their ends interconnected.” Van der Wal further teaches that “the tape 9 is applied in the form of a U around the stack of objects 10 in the manner shown in FIG. 1.” While Van der Wal may teach a device capable of using more than one type of type, Van der Wal does not teach using two or more types of tape in the device simultaneously. Accordingly, Van der Wal does not teach or suggest “a band of the strap type in a first supply reel of the supply reels; a band of the film type in a second supply reel of the supply reels; [and] band clamping and guiding means . . . further being arranged for applying simultaneously the band of the strap type and the band of the film type.” Rather, Van der Wal teaches applying only a single type of tape at one time.

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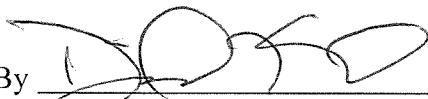
Additionally, neither APA nor Olesky makes up for the deficiencies of Van der Wal. With reference to FIG. 1, Olesky also teaches only a single type of material used at one time (“[t]hus a standard film roll 40 can be used to band load 11 with five separate bands 16a-16e at one time”).

The above-cited limitations as claimed in claim 1 are not present in the Van der Wal, Olesky or APA references. Further, there is no apparent reason why one skilled in the art at the time the invention was made would have combined Van der Wal and APA and Olesky to arrive at the claimed embodiment. Accordingly, the embodiment claimed in claim 1 is patentable over Van der Wal in view of APA and Olesky. Claims 3-6 are dependent on claim 1. As such, these claims are allowable based on claim 1 for at least the reasons above and for the additional limitations they contain.

In view of the above amendments and remarks, the claims are patentably distinct over the references of record and that all of the rejections of the claims have been overcome. As such, allowance of the above Application is requested.

The Examiner is invited to call Applicant's attorney at the number listed below if there are any remaining issues that can be addressed over the telephone.

Respectfully submitted,
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